

**IN THE HIGH COURT OF JUDICATURE AT
HYDERABAD**

**FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

CRIMINAL PETITION No.4362 of 2015

Between:

Vishnu B.Kulkarni and others

... Petitioners

and

The State of Telangana rep. by the Public Prosecutor and
others.

... Respondents

DATE OF JUDGEMENT PRONOUNCED: 14-08-2015

SUBMITTED FOR APPROVAL:

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

1. Whether Reporters of Local newspapers
may be allowed to see the
Judgment? No

2. Whether the copies of judgment may be
No
marked to Law Reporters/Journals?

3. Whether Their Ladyship/Lordship wish
to No
see the fair copy of the Judgment?

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.4362 of 2015

ORDER:

1. This Criminal Petition is filed by the Petitioners/A-1 to A-3 under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.203 of 2011 on the file of XIII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad.

2. Heard the learned counsel for the petitioners/A-1 to A-3 in the above C.C. where the learned Magistrate has taken cognizance for the offences punishable under Sections 498-A, 420, 506, 406 r/w.34 IPC and Sections 3, 4 and 6 of the Dowry Prohibition Act, which is outcome of the report of the 3rd respondent /de facto complainant in Cr.No.468 of 2010 dated 23-08-2010. 3rd respondent have been served, failed to attend with no representation. A perusal of the record show in support of the submission of the counsel for the petitioner is that the there was a consent divorce between the couple obtained in O.P.No.1096 of 2010 on the file of Additional Judge, Family Court, City Civil Courts, Hyderabad, who converted divorce petition into consent divorce petition that was granted pursuant to Memorandum of compromise ended

in between the parties, which was entered on 29-12-2011. It is true as pointed from clause-11 of memorandum of compromise, the parties agreed to withdraw all civil or criminal cases or complaints made against each other or their family members in various courts or police stations and also agreed that in future they or their family members would not file any civil or criminal cases or complaints against each other or family members before any court of law or authority in lieu of settlement which includes receiving of Rs.4,25,000/- in full and final settlement of permanent alimony by the *de facto* complainant from the A-1. In view of the submission that the 3rd respondent-*de facto* complainant having agreed as per the Memorandum of compromise failed to attend the Court, the criminal proceedings are liable to be quashed.

3. A perusal of Memorandum of compromise, clause-11 speaks about withdrawal of the cases, continuation of matrimonial dispute including by severing matrimonial tie having settled all the dues and specific undertaking to withdraw criminal cases as per the terms of Memorandum of compromise. Though notice served on the 3rd respondent, she failed to attend even to oppose for any valid reasons, this Court feels it just to invoke Section 482 Cr.P.C. to subserve the ends of justice and consequently, the proceedings in C.C.No.203 of 2011 on the file of XIII

Additional Chief Metropolitan Magistrate, Nampally,
Hyderabad are hereby quashed and bail bonds of
accused shall stand cancelled.

4. Accordingly, the Criminal Petition is allowed.
Consequently, the miscellaneous petitions, if any pending,
shall stand closed.

Dr. JUSTICE B.SIVA SANKARA RAO

14-08-2015
nvl

